

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: ROBERT ETCHES et al.  
Title: Chimeric and Transgenic Birds From Embryonic Stem Cells  
Serial No. Not Yet Assigned  
Filing Date: Herewith

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

**PETITION PURSUANT TO 37 C.F.R. 1.84(a)(2) FOR LEAVE TO  
INCLUDE COLOR DRAWINGS IN THE SPECIFICATION OF  
A PATENT APPLICATION**

Sir:

This is a petition pursuant to 37 C.F.R. 1.84(a)(2) regarding color drawings in a patent application. Figures 1-5, 7, 13-18, 20 and 23 of the application transmitted herewith, entitled "Chimeric and Transgenic Birds From Embryonic Stem Cells" are color images that must be compared to black and white versions to show fluorescence by exogenous proteins in the somatic tissue of chicken birds. The fluorescence demonstrates transmittal of genetic information from an embryonic stem cell culture to a living animal. The best black and white copies do not demonstrate the existence of the exogenous protein in vivo. Copies of both a black and white and a color version are transmitted with the application.

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CERTIFICATE OF MAILING  
(37 C.F.R. §1.10)

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as 'Express Mail Post Office To Addressee' in an envelope addressed to the Commissioner for Patents, Washington, D.C. 20231.

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February 1, 2002  
Date of Deposit  
OC-102732.1

Lynne Fulmer  
Name of Person Mailing Paper

  
Signature of Person Mailing Paper

The Commissioner is authorized to charge Deposit Account No. 12-2475 for the appropriate fee of \$130.00 as set forth in section 1.17 (i). A copy of this Petition is enclosed for this purpose.

If there is any problem with this application and it appears that a telephone conference with counsel will helpfully advance prosecution, please telephone the undersigned in Irvine, CA 949/567-2300, ext. 1124.

Respectfully Submitted,

LYON & LYON LLP

Dated: February 1, 2002

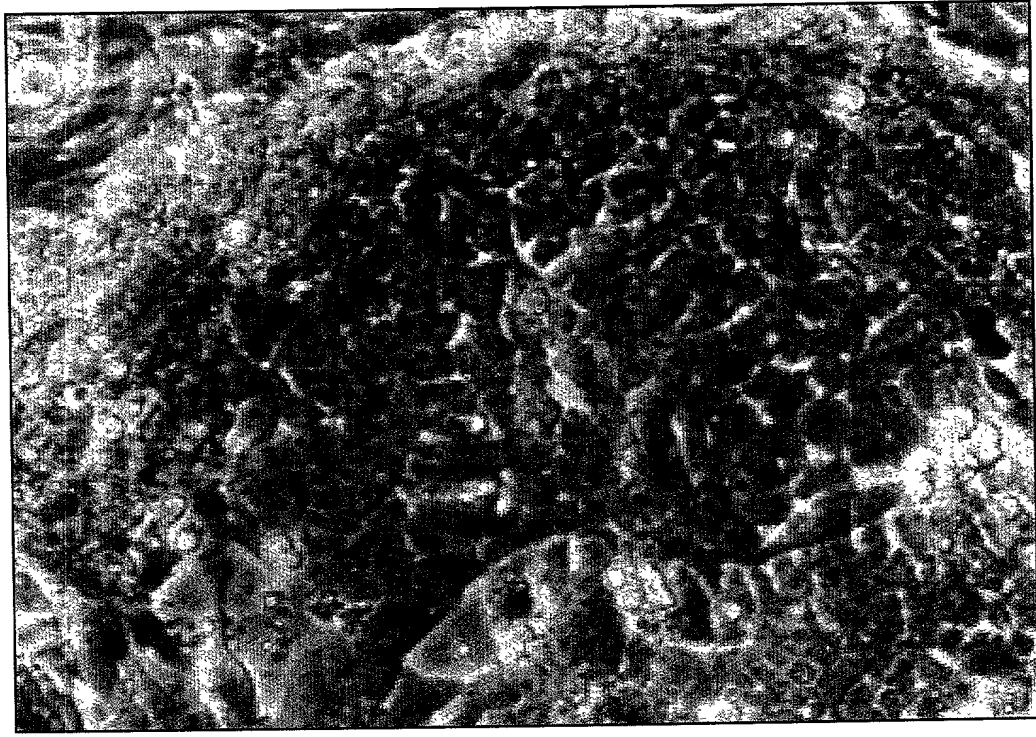
By



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Suite 4700  
Los Angeles, CA 90071  
949/567-2300 X 1124 Telephone  
213/955-0440 Facsimile

**Fig 1**



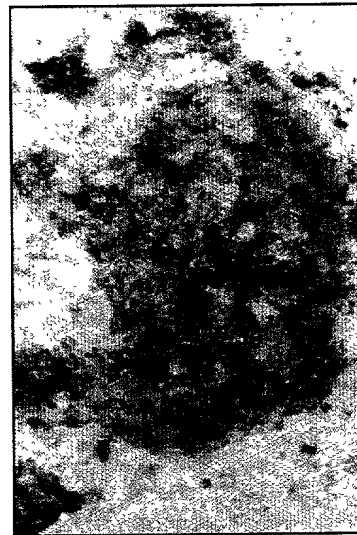
**Fig 2**



Phase



EMA-1



SSEA-1



AP

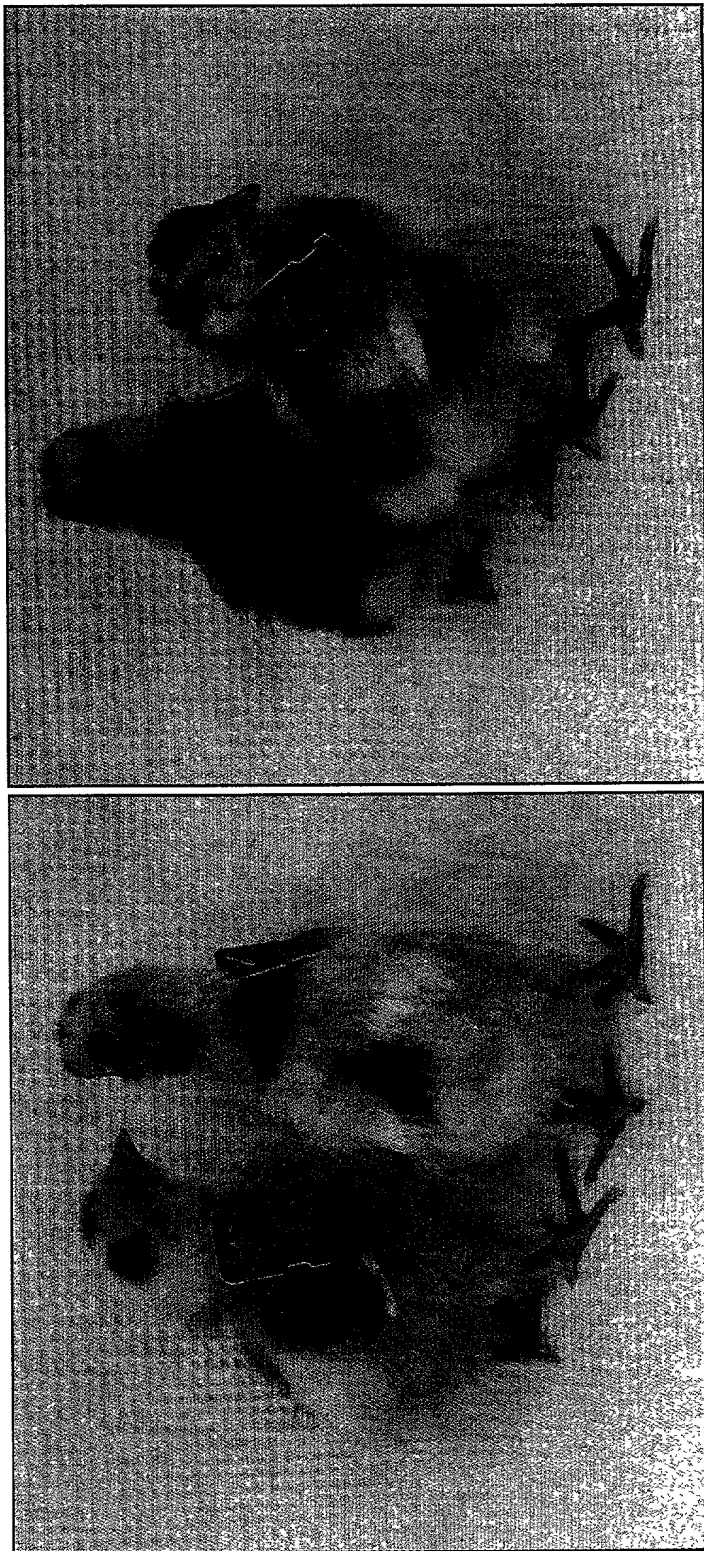
**Fig.3**



Origen ES Cells  
Harvest#1, sample:  
7-05-01  
Delany Laboratory -  
UC Davis

**Fig 4**



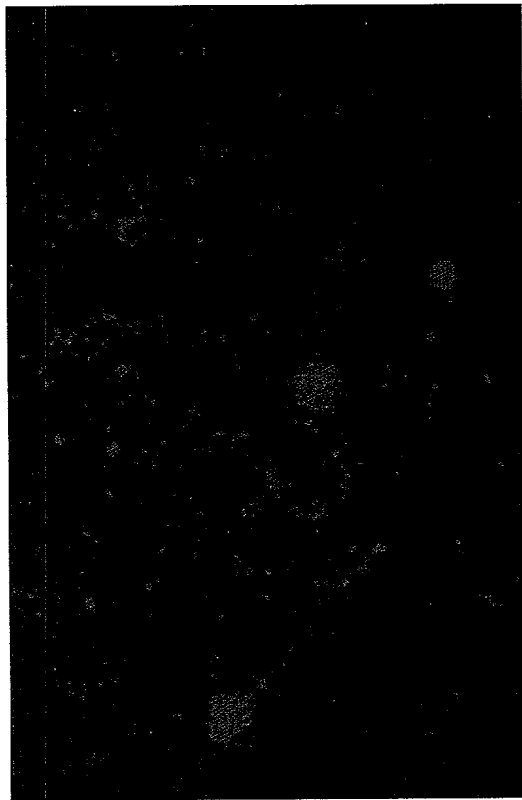


**Fig 5**

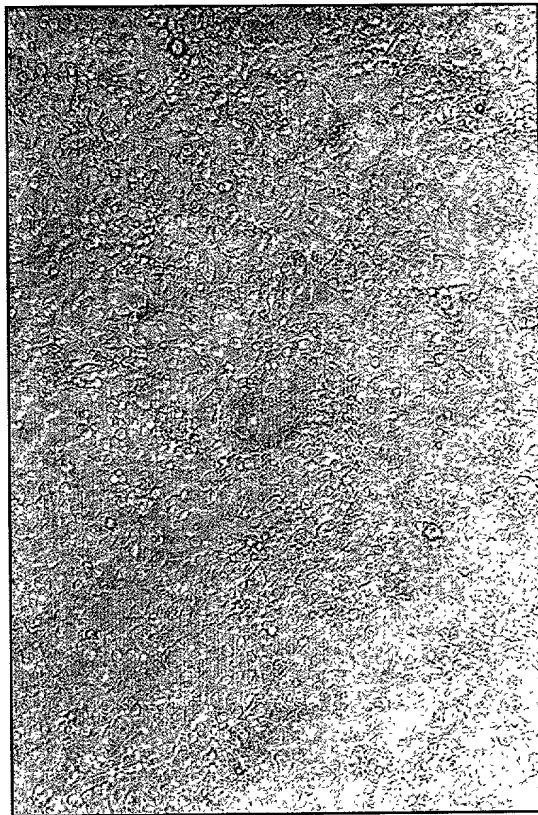
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**Fig 7**

ES cells expressing EGFP



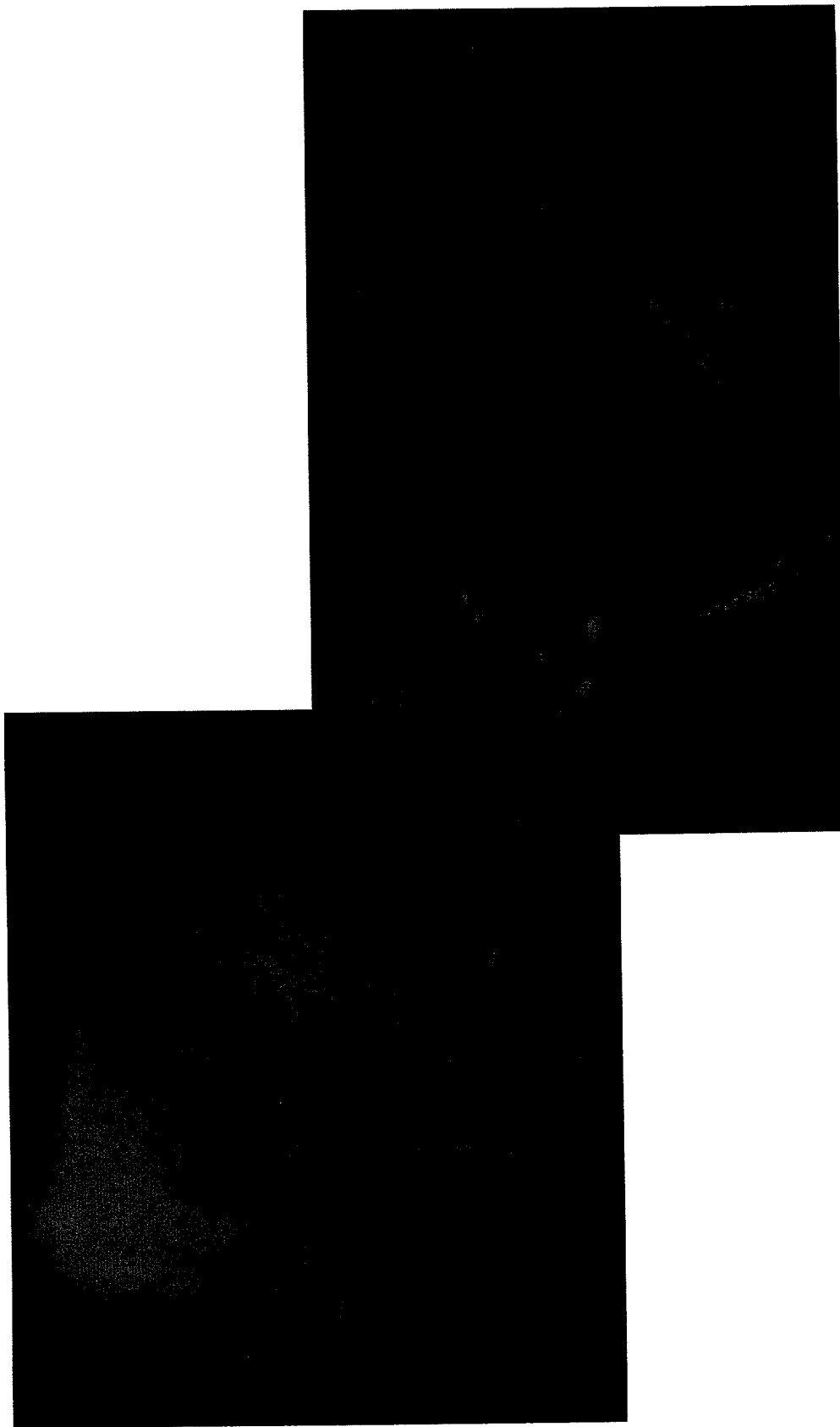
Same field under phase



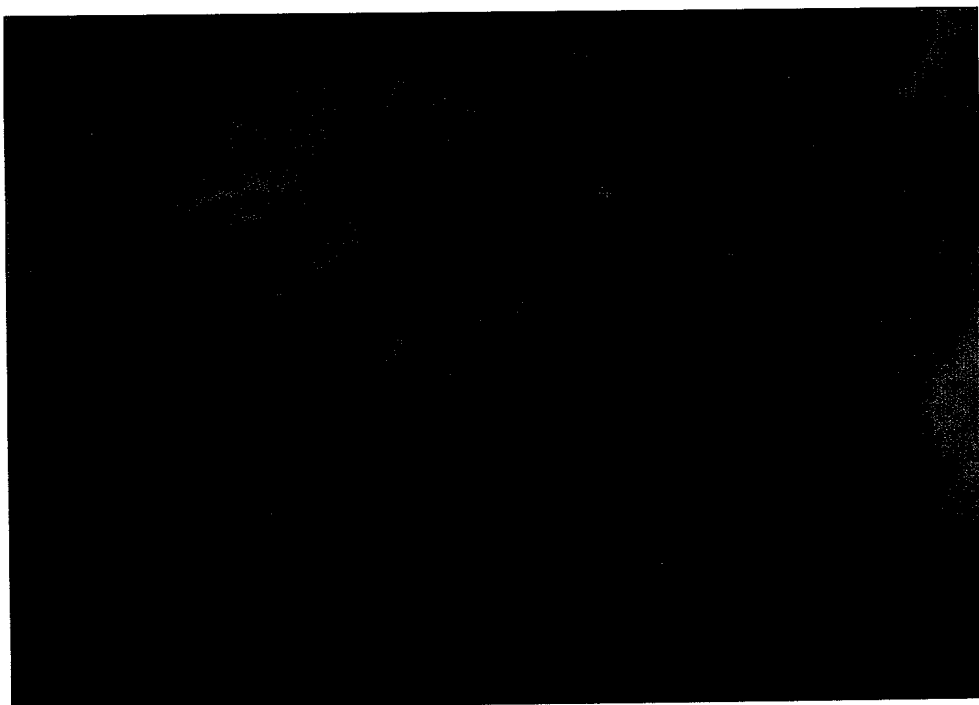




**Fig 14**



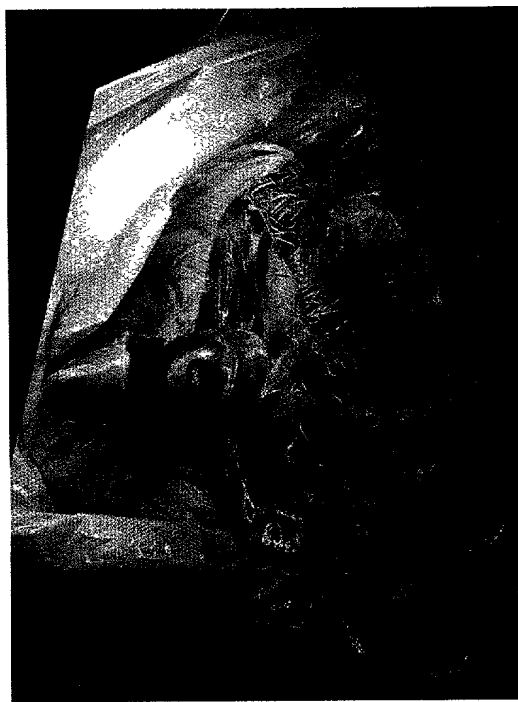
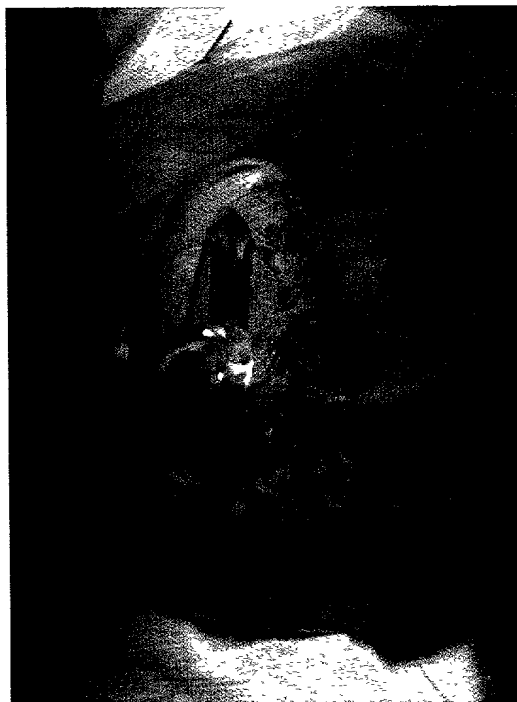
**Fig 15**



**Fig 16**

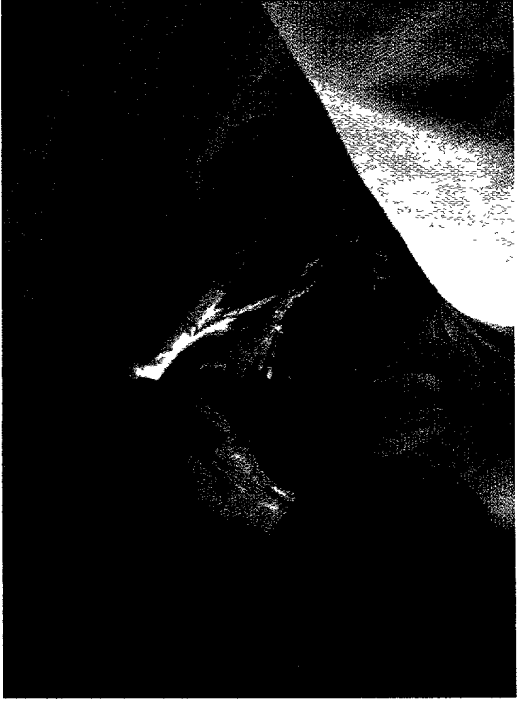


**Fig 17**

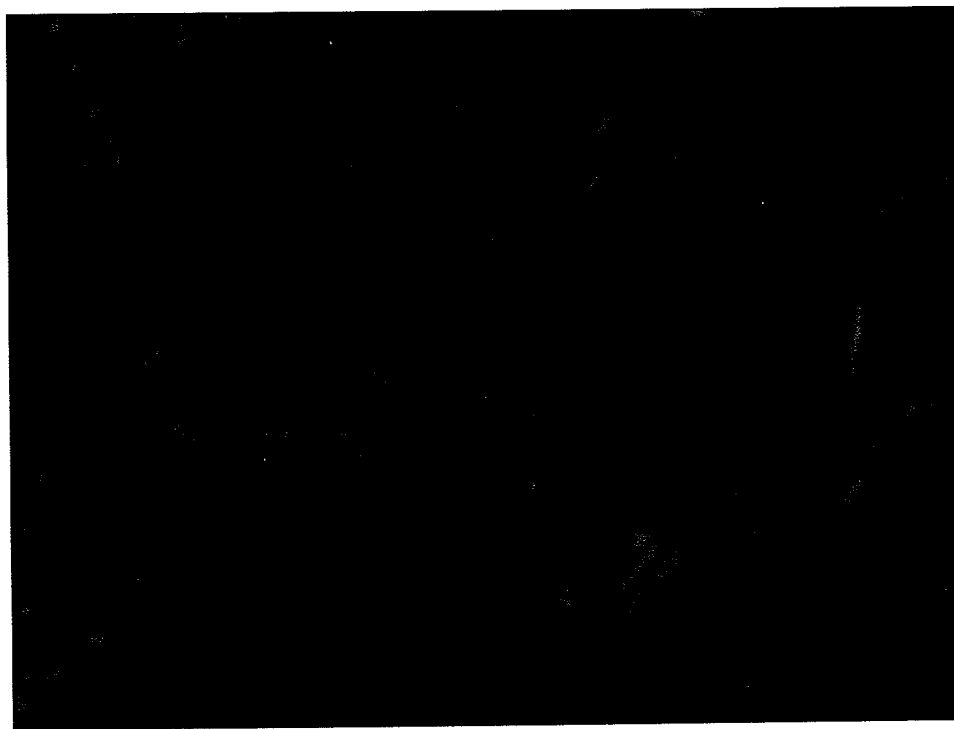
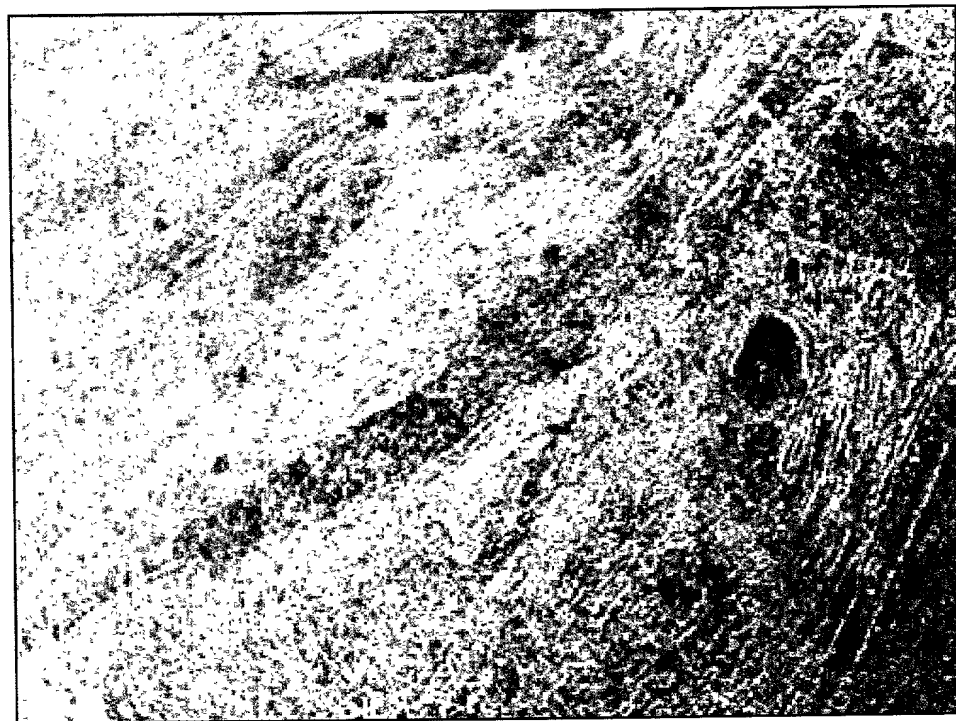




**Fig 18**



**Fig 20**



Light Illumination



UV Illumination

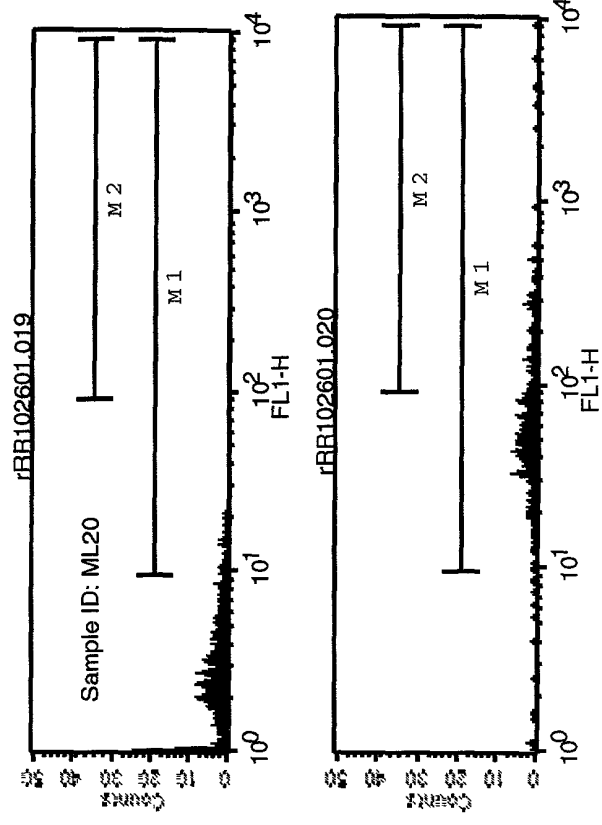
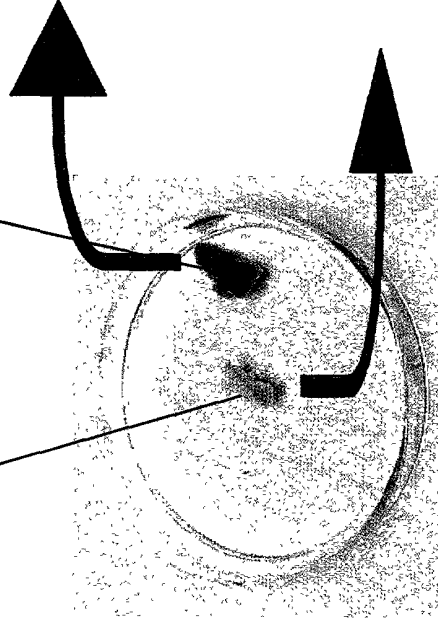
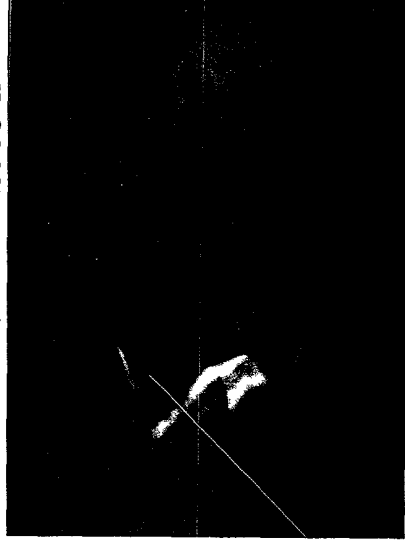


Fig 23